

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DILANG DAT,

Defendant.

8:22–CR–147

ORDER

On March 20, 2024, the undersigned issued an Order denying Defendant Dilang Dat’s *pro se* Motion to Dismiss Count IV of the Indictment. [Filing 234 at 7](#). In so doing, the Court was not acting upon a Findings and Recommendation from a Magistrate Judge. The undersigned considered the matter and issued a ruling. [Filing 234 at 3](#). Nevertheless, on April 4, 2024, this Court received a filing captioned “Defendant Dilang N. Dat Declaration of Objections to Memorandum and Order on Defendant’s Motion to Dismiss.” [Filing 243 at 1](#). Dat also filed a 28-page “Index of Evidence” in support of his Objections. [Filing 244](#). While it would have been proper for Dat to file objections to a magistrate judge’s Findings and Recommendation, *see Fed. R. Crim. P. 59(b)(2)* and NECrimR 59.2(a), there was no such Findings and Recommendation here. Accordingly, Dat’s Objections are procedurally improper.

In any event, the Court has reviewed the matters Dat has raised in [Filing 243](#) and [Filing 244](#) and concludes that he is not entitled to any relief. Even if the Court were to liberally construe his “Objections” as a request for reconsideration, this request lacks merit under any standard of review and will be denied.¹ Nothing Dat has submitted in either [Filing 243](#) or [Filing 244](#) warrants

¹ See *United States v. Garcia*, No. CR 16-333 (DWF/SER), 2021 WL 165117, at *2 (D. Minn. Jan. 19, 2021) (noting that “[a]lthough motions for reconsideration are not addressed in the Federal Rules of Criminal Procedure . . . the Supreme Court of the United States has recognized that motions for reconsideration are ‘a well-established procedural rule for criminal, as well as civil, litigation[.]’”) (quoting *United States v. Healy*, 376 U.S. 75, 80 (1964)).

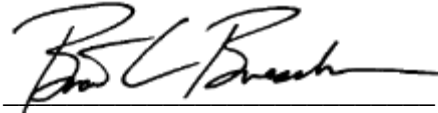
reconsideration of the Court's Order denying his Motion to Dismiss. That Order, [Filing 234](#), therefore remains in full force and effect.

Finally, the Court notes that shortly after Dat filed his *pro se* "Objections," he requested appointment of counsel. [Filing 246](#). The Court granted Dat's request, and counsel was appointed. [Filing 247](#). Going forward, all further correspondence with the Court related to Dat's case shall be submitted through Dat's counsel.

IT IS ORDERED: Defendant Dilang N. Dat's "Declaration of Objections to Memorandum and Order on Defendant's Motion to Dismiss," [Filing 243](#), is denied.

Dated this 9th day of April, 2024.

BY THE COURT:

A handwritten signature in black ink, appearing to read "B. C. Buescher", written over a horizontal line.

Brian C. Buescher
United States District Judge